

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:
Case No. 1:18-op-46326-DAP

THE MONTGOMERY COUNTY BOARD OF
COUNTY COMMISSIONERS and THE STATE
OF OHIO *EX REL.* MATHIAS H. HECK, JR.,
PROSECUTING ATTORNEY,

Plaintiff,

vs.

CARDINAL HEALTH, INC. et al.,

Defendants.

MDL No. 2804

Case No. 17-md-2804

Special Master David Cohen

DISCOVERY RULING REGARDING
PRODUCTION OF OARRS REPORTS

Plaintiff Montgomery County seeks a ruling addressing its objection to producing materials obtained from the Ohio Board of Pharmacy's database known as Ohio Automated Rx Reporting System (OARRS) in response to Defendants'¹ document requests served in this action. The County has asserted a privilege objection to withhold from production certain information from the OARRS database, seeking to ensure compliance with governing statutes and the sharing agreement governing OARRS. The County has learned that in Track 3, pursuant to the discovery orders

¹ CVS Indiana L.L.C., CVS Rx Services, Inc., CVS TN Distribution, LLC, CVS Pharmacy, Inc., Ohio CVS Stores, LLC, The Kroger Co., Kroger Limited Partnership I, Kroger Limited Partnership II, Meijer, Inc., Meijer Distribution, Inc., Meijer Stores Limited Partnership, Walgreens Boots Alliance, Inc., Walgreen Co., Walgreen Eastern Co., Inc., and Walmart, Inc.

entered in the MDL cases, OARRS reports and similar OARRS information was not considered privileged from production by the parties if otherwise deemed responsive. Plaintiff seeks the Special Master's guidance on this issue to ensure it neither runs afoul of applicable regulations nor the expectations and interpretation thereof by the Court.

The Special Master confirms that an OARRS report or information derived therefrom obtained by a party is not prohibited from disclosure in this action, including by Ohio Rev. Code §§ 2305.25, 3719.13, 4729.80, or 4729.86. This includes OARRS reports obtained by the County or Defendants and collected as part of the discovery process undertaken in this action. The Special Master therefore directs that the County produce the materials in its possession, such as OARRS reports, that it collected and deemed responsive, but withheld as privileged.

A handwritten signature in black ink that reads "David Cohen". The signature is fluid and cursive, with a long horizontal stroke at the end.

David R. Cohen
Special Master

September 10, 2022